

**CITY COUNCIL
ATLANTA, GEORGIA**

04-0-1570

AN ORDINANCE

BY THE COMMUNITY DEVELOPMENT & HUMAN RESOURCES COMMITTEE

**AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION FOR
THE "PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE"
FROM JANUARY 1, 2004 TO JANUARY 1, 2005; AND FOR OTHER PUR-
POSES.**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation that is known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly, signed by the Governor in March 1983, and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for residential purposes; and

WHEREAS, by Ordinance #03-O-0553 that was adopted on July 7, 2003 by the Council and approved on July 12, 2003 by the Mayor for Case #UEZ-03-07, the "Pittsburg Redevelopment Housing Enterprise Zone" was designated and became effective on January 1, 2004; and

WHEREAS, the Pittsburg Redevelopment Housing Enterprise Zone has remained undeveloped due to an unanticipated development impediment, whereby the applicant, CMP CHP Pittsburg, LP, according to a June 29, 2004 letter from its attorney, McKenna, Long & Aldridge, LLP (attached as Exhibit "A"), encountered the presence of old City sewer lines under the property, which are scheduled to be removed by the City but have not yet been removed, and whose continued presence under the property has physically impacted the initiation of construction;

WHEREAS, the State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta the authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments; and

WHEREAS, CMP CHP Pittsburg, LP has formally requested, via the aforementioned letter, that the effective date of the Pittsburg Redevelopment Housing Enterprise Zone be changed from January 1, 2004 to January 1, 2005 in recognition of the stated development impediment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY ORDAINS AS FOLLOWS:**

Section 1. The Pittsburg Redevelopment Housing Enterprise Zone is hereby amended.

Section 2. The effective date of all exemptions that were established therein shall be January 1, 2005. The Pittsburg Redevelopment Housing Enterprise Zone shall be abolished on December 31, 2014. The



Pittsburg Redevelopment Housing Enterprise Zone shall otherwise not be abolished except as provided in State law.

Section 3. The development of the "Pittsburg Redevelopment Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that were previously approved Via Ordinance 03-O-0553, in conjunction with City Code Section 146-52(2)b1. For said affordable units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning and Community Development, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Pittsburg Redevelopment Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

A true copy,

Shanda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

October 18, 2004
October 20, 2004

UEZ-04-21/
UEZ-03-07

**McKenna Long
& Aldridge^{LLP}**
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EMAIL ADDRESS
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June 29, 2004

By Hand Delivery

Ms. Sarah Wade Hicks
Department of Planning and Community Development
3rd Floor
55 Trinity Avenue
Atlanta, GA 30335

Re: Amendment to Pittsburg Redevelopment Housing Enterprise Zone -
UEZ-03-07/Ordinance 03-O-0553 – 455 Rockwell Street

Dear Sarah:

This letter and corresponding attachments are submitted to amend the Pittsburg Redevelopment Housing Enterprise Zone, UEZ-03-07/Ordinance 03-O-0553, which was approved by the Mayor on July 12, 2003 and became effective on January 1, 2004. The application for the Pittsburg Redevelopment Housing Enterprise Zone was initially submitted to the City of Atlanta Bureau of Planning on January 30, 2003 and later amended on June 18, 2003 ("2003 Amendment").

As you may recall, the initial application CMP CHP Pittsburg, LP (the "Developer") filed in 2003 (the "2003 Application") included several parcels of land and two phases of construction, multi-family apartment buildings and an apartment building for seniors. The Developer subsequently discovered several title issues associated with two small parcels that had been included in the application. Because the title issues could not immediately be resolved, the Developer submitted the 2003 Amendment to limit the enterprise zone application to the land that was then owned by the Developer and to reduce the scope of project to the development of only the multi-family housing component. However, the 2003 Amendment expressly contemplated that the Developer would later seek to amend the Pittsburg Redevelopment Housing Enterprise Zone to include the additional parcels and the second phase.

The title issues have now been resolved. Accordingly, the Developer hereby submits this letter application to amend the Pittsburg Redevelopment Housing Enterprise Zone to make the following changes:

1) Expand the boundaries of the enterprise zone to include the two additional parcels at the north end of the block that were excluded from the 2003 Application pursuant to the 2003 Amendment;

2) Expand the project scope to include the senior housing component as well as the multi-family housing component; and

3) Change the effective date of the enterprise zone to January 1, 2005 as a result of unanticipated development impediments.

Expansion of boundaries: The Developer currently owns all of the land that will be used for the multi-family housing component and has received an allocation of low income housing tax credits for that component. The City Council has authorized the sale to the Developer of the two parcels excluded by the 2003 Amendment, referred to as "Wright Court" and the "North Tract." Enclosed is Ordinance 04-O-0763, which authorizes the City of Atlanta to sell Wright Court and the North Tract to the Developer. This transaction will be closed in the next few months.

Expansion of project scope: Now that the Developer has obtained control of the entire property, including Wright Court and the North Tract, the original plan with the two phases of housing can be developed. The City Council has rezoned all the parcels to RG-4 to accommodate the two phases. The Developer submitted an application to the Department of Community Affairs in May for low income housing tax credits to develop the senior housing component.

Change in effective date: Pursuant to House Bill 483 (1999), the Developer requests that the Pittsburg Redevelopment Housing Enterprise Zone be further amended to change the effective date of that enterprise zone from January 1, 2004 to January 1, 2005. House Bill 483 authorizes the City Council to change the effective date of an already created and designated enterprise zone to January 1 of a subsequent year if that zone has remained undeveloped as a result of unanticipated development impediments. A copy of House Bill 483 is attached hereto.

There have been two unanticipated development impediments concerning the Pittsburg Redevelopment Housing Enterprise Zone site, each of which has taken almost a year to resolve. The primary unanticipated development impediment concerns the construction delay that has resulted from the Developer's negotiations with the City over sewer capacity and construction. Two City of Atlanta combined sewer lines currently traverse the site in a manner that inhibits development of the property as proposed. The City is in the process of designing the McDaniel Basin Sewer Separation Project, which will result in new sanitary sewer lines being constructed to serve the property. The existing sewer lines on the property, which will become storm sewer lines only after the separation project is completed, must be relocated so that the property may be developed. After extensive discussions among the Developer, the Department of Watershed Management and Clean Water Atlanta over the last ten months, the Developer and the City have tentatively agreed that the Developer will relocate and increase the size of the sewer lines on the property in advance of construction of the sewer separation project. However, final terms have

Ms. Sarah Wade Hicks
June 29, 2004
Page 3

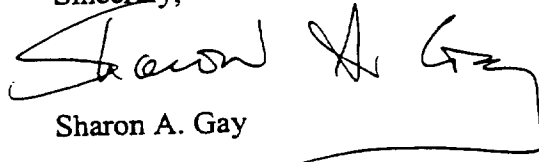
yet to be negotiated, and construction of the phase I housing development cannot begin until the scope of the sewer project is resolved and the parties enter into appropriate contractual agreements.

Another development impediment concerns the unanticipated title and ownership issues that arose concerning Wright Court and the North Tract. The Developer initially attempted to acquire Wright Court, which appears to be a City street, from the City of Atlanta by submitting an application to abandon and acquire the street. After extensive review of City records, the Department of Public Works concluded that the parcel was not a City street. Thereafter, research conducted on behalf of the Developer, including a title search, indicated that the parcels were owned by the Atlanta Housing Authority. Based on these and other findings, the Developer attempted to obtain authorization to include the two parcels in the Pittsburg Redevelopment Housing Enterprise Zone from the Atlanta Housing Authority. However, the Atlanta Housing Authority expressed its doubt regarding whether it, in fact, owned the two parcels. Consequently, the Developer commissioned an additional title search regarding the parcels, which revealed that Wright Court and the North Tract are currently owned by the City of Atlanta. The Developer then requested permission to acquire the parcels from the City, which was authorized by Ordinance No. 04-O-0763.

The Developer has modified all elements of the 2003 Application that are affected by this amendment, and all such modifications are listed on the attached pages. For ease of reference, the amended items have been numbered and labeled in accordance with the City of Atlanta/Fulton County Urban Enterprise Zone Brochure. All provisions not included on the following pages shall remain as approved in connection with approval of the Pittsburg Redevelopment Housing Enterprise Zone. Furthermore, all land that is the subject of this application to amend an enterprise zone is reflected on the certified full size survey of the entire property, which was submitted in the 2003 Application as Attachment G.

Please let me know if you have any questions regarding the enclosed materials. Thank you for your consideration.

Sincerely,


Sharon A. Gay

Attachments

cc: Ms. Beverly Dockeray-Ojo
Ms. Linda Logan
Mr. Steven DeFrancis
Mr. David Dwyer

RCS# 6139
10/18/04
2:33 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 6-18, EXCEPT:04-O-1369
04-R-1764 04-R-1765
ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

NV	Smith	Y	Archibong	Y	Moore	Y	Mitchell
	Y Starnes	Y	Fauver		Y Martin	Y	Norwood
	Y Young	Y	Shook	B	Maddox	Y	Willis
	Y Winslow	Y	Muller		Y Sheperd	NV	Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1570 2. 04-O-1586 3. 04-O-1667 4. 04-O-1669 5. 04-O-1670 6. 04-O-1671 7. 04-O-1672 8. 04-O-1658 9. 04-O-1807 10. 04-O-1810 11. 04-O-1813 12. 04-O-1817 13. 04-O-1850 14. 04-O-1651 15. 04-O-1654 16. 04-O-1808 17. 04-R-1472 18. 04-R-1751 19. 04-R-1798 20. 04-R-1485 21. 04-R-1759 22. 04-R-1760 23. 04-R-1761 24. 04-R-1797 25. 04-R-1824 26. 04-R-1825 27. 04-R-1762 28. 04-R-1754 29. 04-R-1755 30. 04-R-1756 31. 04-R-1757 32. 04-R-1827 33. 04-R-1799 34. 04-R-1768 35. 04-R-1769 36. 04-R-1770 37. 04-R-1771	38. 04-R-1772 39. 04-R-1773 40. 04-R-1774 41. 04-R-1775 42. 04-R-1776 43. 04-R-1777 44. 04-R-1778 45. 04-R-1779 46. 04-R-1780 47. 04-R-1781	48. 04-R-1783 49. 04-R-1784 50. 04-R-1785 51. 04-R-1786 52. 04-R-1787 53. 04-R-1788 54. 04-R-1789 55. 04-R-1790 56. 04-R-1791 57. 04-R-1792 58. 04-R-1793 59. 04-R-1794

04-0-1570
(Do Not Write Above This Line)

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2004 TO JANUARY 1, 2005; AND FOR
OTHER PURPOSES.

NPU "V" COUNCIL DISTRICT 4

ADOPTED BY

OCT 1 8 2004

COUNCIL

First Reading
Committee Date *9/20/04*
Chair *CD/HR*
Referred To *CD/HR*

Committee Date *9/20/04*

Date *9/20/04*
Chair *CD/HR*

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee Date *9/20/04*

Date *9/20/04*
Chair *CD/HR*

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

Committee Date *9/20/04*

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee Date *9/20/04*

Date *9/20/04*
Chair *CD/HR*

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Date Referred *9/20/04*

Referred To: *CD/HR*

Date Referred

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION
☒ 2nd ☐ 1st & 2nd ☐ 3rd
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
OCT 1 8 2004

ATLANTA CITY COUNCIL PRESIDENT

John M. Funderburk

CERTIFIED
OCT 1 8 2004

Ronald B. Johnson
MUNICIPAL CLERK

APPROVED

OCT 20 2004

David D. Thomas
MAYOR